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Human Rights Council
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Agenda item 10

Resolution adopted by the Human Rights Council on 24 March 2016

31/27. Technical assistance and capacity-building to improve human rights in Libya

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

Looking forward to a future for Libya based on national reconciliation, justice, respect for human rights and the rule of law,

Recalling all previous relevant Human Rights Council resolutions on Libya,

Reaffirming that those responsible for violations or abuses of human rights and violations of international humanitarian law and who commit acts of terrorism should be held accountable, and that counter-terrorism measures must be consistent with applicable international law,

Expressing concern at the impact of the security and political crisis and of terrorism on the people of Libya, including loss of life, mass displacement and its particular impact on women and children, damage to property and infrastructure, including schools and hospitals, the use of schools as military bases and shortages of medical supplies and treatment,

Expressing concern also at the impact of the security and political crises and of terrorism on migrants, in particular the increase in the number of deaths of migrants attempting to cross the Mediterranean,

Welcoming the Rome Communiqué of 13 December 2015, endorsed by the Security Council in its resolution 2259 (2015) of 23 December 2015, and the commitment of the participating Member States to provide technical, economic, security and counter-terrorism assistance to Libya,

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Expressing full support for the efforts led by the Special Representative of the Secretary-General for Libya to facilitate a Libyan-led political solution to the challenges facing Libya,

Underscoring the importance of the equal and full participation of all parts of Libyan society, including women and youth, in the political process,

1. *Welcomes* the signing on 17 December 2015 of the Libyan Political Agreement of Skhirat, Morocco, by the majority of the Libyan delegates to the political dialogue facilitated by the United Nations, and by a wide range of representatives of Libyan society, municipal leaders and heads of political parties, as an important step towards peace and reconciliation in Libya, and welcomes the endorsement in principle of the Libyan Political Agreement by the House of Representatives on 25 January 2016;

2. *Reiterates* its support for the ongoing deliberations of the security track of the political dialogue facilitated by the United Nations to finalize security arrangements, and urges existing militias and armed groups to respect the Libyan Political Agreement of 17 December 2015;

3. *Calls upon* the Government of National Accord to fully implement the political agreement, including the security arrangements, and to make progress towards arms control and the reintegration into the community of the armed groups currently operating outside government control;

4. *Emphasizes* the importance of the Government of National Accord exercising control over and safely storing arms in Libya, with the support of the international community;

5. *Condemns* all violations and abuses of human rights and violations of international humanitarian law, including those involving unlawful killings, indiscriminate shelling and attacks on civilians, abductions and assassinations, including of government officials and judges, the shelling of hospitals and the looting of property;

6. *Also condemns* all violations and abuses committed against journalists, media activists and human rights defenders, especially given their role in documenting protests and human rights violations and abuses, and restrictions on freedom of expression;

7. *Strongly urges* all parties immediately to cease violations and abuses of human rights and international humanitarian law and to engage fully in support of the Government of National Accord, in order to avert further deterioration in the humanitarian crisis suffered by Libyans as a result of the conflict and to prevent the further erosion of the sovereignty and security of Libya, and urges all leaders to declare that violations and abuses of human rights by their fighters will not be tolerated and that individuals suspected of such acts will be removed from duty;

8. *Strongly urges* the Government of Libya to investigate all violations and abuses of human rights, to hold those responsible to account and to guarantee fair trials for the accused;

9. *Calls for* those responsible for violations or abuses of international human rights law and violations and abuses against children to be held accountable, in accordance with international standards;

10. *Calls upon* the Government of Libya to increase efforts to end impunity, and takes note of its cooperation with the International Criminal Court to ensure that those responsible for violations of human rights and international humanitarian law, including attacks targeting civilians, are held accountable;

11. *Strongly condemns* practices such as abduction, hostage-taking, incommunicado detention, abuse and killings carried out by non-State armed groups, most notably the so-called Islamic State in Iraq and the Levant (Daesh), Ansar al-Sharia and other terrorist organizations in Libya, and underlines that murder, torture and severe deprivation of physical liberty in violation of international law are predicate acts that may in certain circumstances amount to crimes against humanity, while reiterating grave concern about the negative impact of the presence of Daesh and its deadly actions in Libya, neighbouring States and the region;

12. *Calls upon* all Libyans to unite in combating terrorism in the country, and urges all Member States to cooperate actively in this regard with the Government of Libya and to provide support as requested;

13. *Expresses grave concern* at the number of conflict-related detainees, including children, and at reports of torture and sexual and gender-based violence in detention centres, and calls upon the Government urgently to establish full and effective control over all detention centres in order to ensure that detainees, including foreign detainees, are treated in accordance with its international obligations, including, as applicable, those relating to fair trial guarantees and humane treatment in detention;

14. *Calls upon* the Government of Libya to promote, protect and respect the human rights of migrants, refugees and internally displaced persons, and to provide a framework for the engagement of the Office of the United Nations High Commissioner for Refugees in Libya;

15. *Expresses deep concern* at the deteriorating humanitarian situation in Libya, and calls upon the international community to provide financial support for the United Nations humanitarian response plan for Libya for the period 2015-2016 to address the needs of 2.4 million people;

16. *Calls for* rapid, safe and unhindered humanitarian access for United Nations humanitarian agencies, their implementing partners and other humanitarian organizations, including across conflict lines and, as appropriate, across borders, in order to ensure that humanitarian assistance reaches people in need by the most direct routes;

17. *Urges* the Libyan authorities to expedite the voluntary, safe and dignified return of all persons displaced by the conflict since 2011, in accordance with applicable law;

18. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, and calls upon all parties fully to respect international law;

19. *Recognizes* the security, political and economic challenges faced by the Government of Libya, which have been exacerbated by armed conflict;

20. *Urges* the Government of Libya, the international community, the United Nations and all parties to the conflict to facilitate the full, equal and effective participation of women in activities relating to the prevention and resolution of the armed conflict, the maintenance of peace and security and post-conflict peacebuilding, in line with relevant Security Council resolutions, including resolutions 1325 (2000) and 2122 (2013);

21. *Urges* the Libyan Constitutional Assembly to intensify its efforts to complete a draft constitution that protects the human rights of all, including women and members of all communities and people living under vulnerable conditions, and to ensure the participation of all members of society, including civil society organizations, as far as possible, in the process of drafting the constitution;

22. *Emphasizes* the importance of ensuring a peaceful, inclusive and sustainable democratic transition through a broad-based and inclusive national dialogue, and that, in the

context of an inclusive and credible dialogue, the Libyan people should determine the appropriate process and mechanisms for achieving justice, reconciliation, truth and accountability for gross violations and abuses committed since 2011 and under the former regime, and reparations and effective remedies for victims;

23. *Recognizes* the ongoing human rights challenges in Libya and strongly encourages the Government of Libya to increase its efforts to protect and promote human rights and prevent any violations or abuses, and in this regard calls upon the international community to provide assistance for Libyan efforts to establish the rule of law, due process and access to justice, including through capacity-building in the justice system to enable effective accountability;

24. *Also recognizes* the efforts made by States in tracing, freezing and recovering stolen assets and the importance of effective cooperation between the international community and the Libyan authorities in this regard, taking into account the potential contribution of these assets to improving security, development and the protection of human rights in Libya;

25. *Welcomes* the successful completion by Libya of, and its constructive engagement with, the universal periodic review in its two first cycles, and looks forward to the implementation of the accepted recommendations;

26. *Also welcomes* the open invitation that the Government of Libya has extended to all special procedures and looks forward to the visits of mandate holders to the country;

27. *Further welcomes* the commitment of the Government of Libya to human rights and its continued cooperation with the Human Rights Council and its mechanisms, including the wish expressed by the Government to continue its cooperation with the United Nations High Commissioner for Human Rights, and to renew its invitation for him to visit Libya, and urges the Government:

(*a*) To intensify efforts to prevent acts of torture, to investigate all allegations of torture, to hold those responsible to account, and to consider providing fair and adequate compensation for victims;

(*b*) To take immediate steps to protect freedom of expression, ensuring that the media can operate freely and without discrimination, to review the provisions of the Penal Code and other provisions that violate freedom of expression, and to abolish all Penal Code restrictions on free speech that stipulate imprisonment and the death penalty for "insults" to officials, the judiciary and the State for "slander" and for blasphemy;

(*c*) To make further progress towards the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(*d*) To promote the continued operation of the National Council for Civil Liberties and Human Rights, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

(*e*) To empower women and girls further, including by ensuring their full representation in politics, the police and the judiciary;

(*f*) To ensure the protection of cultural rights and freedom of religion and belief, in accordance with its international obligations;

(*g*) To take appropriate steps to help to prevent all attacks on and destruction of cultural and religious sites in violation of international law, particularly sites on the World

Cultural and Natural Heritage List of the United Nations Educational, Scientific and Cultural Organization, and to prosecute those responsible for such attacks;

(*h*) To take further steps to guarantee freedom of association and peaceful assembly, including by reviewing the articles of the Penal Code that undermine freedom of association and by adopting a law for civil society organizations that is in accordance with international standards on freedom of association, that ensures the protection of human rights defenders and that includes only legal limitations that comply with the international treaty obligations of Libya;

28. *Takes note* of the final report of the International Commission of Inquiry on Libya,[1] and encourages the Government of Libya to implement fully the recommendations contained therein;

29. *Underlines* the importance of, and the commitment of the Government of Libya to, continued human rights monitoring, assessment and evaluation in order to determine effective human rights technical assistance and capacity-building measures;

30. *Takes note with appreciation* in this regard of the report of the Office of the United Nations High Commissioner for Human Rights on the investigation by the Office on Libya presented to the Human Rights Council at its thirty-first session on violations and abuses of international human rights law that have been committed in Libya since the beginning of 2014,[2] which reported the facts and circumstances of such abuses and violations, with a view to avoiding impunity and ensuring full accountability;

31. *Urges* the Government of Libya to implement the recommendations addressed to it in the above-mentioned report, in particular those relating to the justice sector, transitional justice and criminal justice accountability measures;

32. *Requests* the Office of the High Commissioner to continue its close engagement with the United Nations Support Mission in Libya in order to provide coordinated human rights technical assistance to the Government of Libya;

33. *Requests* the High Commissioner to present an oral update to the Council at its thirty-third session during an interactive dialogue, with the participation of the Special Representative of the Secretary-General For Libya, on the situation of human rights in Libya, including steps taken by the Government of Libya towards ensuring accountability for human rights violations and abuses, in line with the present resolution, and the contribution and effectiveness of technical assistance to this end;

34. *Also requests* the High Commissioner to present a written report to the Council at its thirty-fourth session during an interactive dialogue on the situation of human rights in Libya, including on the effectiveness of technical assistance and capacity-building measures received by the Government of Libya, and an assessment of further technical support or assistance needed to implement the present resolution and the recommendations contained in the report of the Office of the High Commissioner on the investigation by the Office on Libya to address the situation of human rights in Libya;[2]

[1] A/HRC/19/68.
[2] A/HRC/31/47.

35. *Urges* the international community to support the Government of Libya in promoting and protecting the human rights of the Libyan people.

64th meeting
24 March 2016

[Adopted without a vote.]